



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD) . No.10627 of 2023

WEB COPY

Harikrishnan

... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
Crime No.328/2023.

... Respondent/Complainant

For Petitioner : M/s.S.Micheal Heldon Kumar,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.328/2023 on the file of the
respondent police.

ORDER : The Court made the following order :-

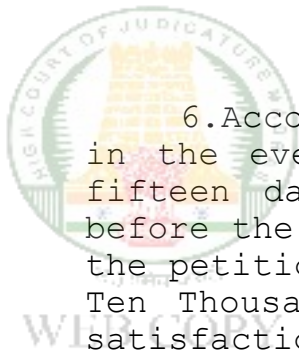
The petitioner/A2, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 379 of
I.P.C., in Crime No. 328 of 2023 on the file of the respondent
police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
other accused have illegally transported one unit of pond sand.
Hence, a case has been registered.

3.Heard. Perused the materials available on record including
the First Information Report.

4.It is submitted by the learned Government Advocate (Crl.
side) that the petitioner is having two previous cases for similar
in nature.

5.Considering the facts and circumstances of the case, this
court is inclined to grant anticipatory bail to the petitioner with
conditions.



6. Accordingly, the petitioner is ordered to be released in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Valliyoor, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/06/2023

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/ 07 /2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate, Valliyoor.



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2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.

3. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.MICHEAL HELDON KUMAR, Advocate (SR-9016[I] dated
19/06/2023)

ORDER

IN

CRL OP(MD) No.10627 of 2023

Date :15/06/2023

RD/ MGA (03/07/2023) 3P 6C